



February 21, 2020

VIA ECF

Honorable Ronnie Abrams
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

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DATE FILED: 2/24/20

Re: *Patricio Nuno Carrera, et al. v. DT Hospitality Group Inc., et al.*
Docket No.: 19-cv-4235 (RA)

Dear Judge Abrams:

This firm represents the Plaintiffs, Patricio Nuno Carrera and Geraldo Marquez, in the above-referenced matter, against Defendants DT Hospitality Group Inc. d/b/a Co Ba Restaurant and Kien Truong, for alleged violations of the Fair Labor Standards Act and New York Labor Law. Defendant Truong has appeared *pro se*. Defendant DT Hospitality Group Inc. remains *pro se* as well as an attorney has not filed a notice of appearance on its behalf. On January 21, 2020, as a result of the corporate defendant's failure to have an attorney appear on its behalf, the Court entered an order directing Plaintiffs to serve their motion for default by February 28, 2020. Plaintiffs now write to request an extension of time to serve their motion for default for the reasons discussed below.

Specifically, Plaintiffs' counsel has been contacted by a bankruptcy attorney on behalf of the Defendants. That bankruptcy attorney indicated that Defendant Truong has retained him to file a bankruptcy petition and anticipates filing his bankruptcy petition by mid-March 2020. That bankruptcy attorney also noted that Defendant Truong, the owner of the corporate defendant, is evaluating with him whether to file a bankruptcy petition on behalf of Defendant DT Hospitality Group as well and will update the undersigned once that decision has been made. In the event that a bankruptcy petition is filed, an automatic stay of this action will be imposed with respect to each Defendant that files a bankruptcy petition. As a result, if Defendant DT Hospitality Group files a bankruptcy petition, as it is considering, then any resources expended by Plaintiffs' counsel to prepare a motion for default and any resources expended by the Court deciding that motion will have been unnecessary. Thus, Plaintiff believes that an extension of time to serve Plaintiffs' motion for default is appropriate to conserve the resources of the Court and Plaintiffs' counsel while Defendant DT Hospitality Group makes its determination regarding filing a bankruptcy petition and to permit the corporate defendant time to file that petition, if it chooses to do so.

Accordingly, Plaintiffs request that the Court extend their time to serve their motion for default against Defendant DT Hospitality Group from February 28, 2020 to March 31, 2020. This is Plaintiffs' first request for an extension of time to serve their motion for default.

Plaintiffs thank the Court for its time and consideration of this request.

Respectfully submitted,

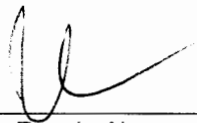
/S/ David D. Barnhorn, Esq.
DAVID D. BARNHORN, ESQ.

C: Kien Truong
110 9th Avenue
New York, New York 10011
Defendant *pro se*

DT Hospitality Group Inc. d/b/a Co Ba Restaurant
110 9th Avenue
New York, New York 10011
Defendant *pro se*

Application granted. Plaintiffs shall file any motion for default judgment no later than March 31, 2020.

SO ORDERED.



Hon. Ronnie Abrams
2/24/2020